

**Enrolled Minutes of the Eighty-first Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, April 11, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 11, 2011 at 6:35 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Bernie Zemen was absent owing to family health matter. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the Plan Commission Docket No. 2011-02.
3. The Clerk-Treasurer reported to the Town Council on the current status of the License Agreement in force and approved in November 2008 by the Town Council with Lamar Outdoor Advertising, to permit electronic billboard to be constructed and displayed near the site of the Water tower on Indianapolis Boulevard.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 11, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with the Town Council President reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper. Councilor Bernie Zemen was absent owing to a family health matter. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; George Georgeff, Metropolitan Police Commander; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were present.

**Also Present:** Lisa Gauthier of the Community Events Commission; and Ed Dabrowski, IT Director, were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 28 March 2011 were approved by general consent.

**Special Orders:**

1. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **8516 Henry Street, Highland**, to allow the its use as a Church, in property

currently zoned as I-1 Light Industrial District. There was an added condition that any approved use variance would run with the land for a period of three years subject to a re-evaluation at the end of that time. Petitioner: Mercy Hill Church. The Advisory Board of Zoning Appeals by a vote of four (4) in favor and 0 opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 23 March 2011. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 27 April 2011. (90 days ends 26 June 2011.).

*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and grant the requested use variance or it may **reject (over rule) the recommendation** and deny the use variance.*

Councilor Kuiper moved and Councilor Herak seconded the acceptance of the ABZA recommendation and to grant the use variance as petitioned, according to terms of the Board of Zoning Appeals. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance was granted.

2. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **10000 Indianapolis Boulevard, Highland**, to allow the construction of a Light Emitting Diode BillBoard, in property currently zoned as OS Open Space District. There was an added condition that the use was contingent on the additional approval of a zone map change, from Open Space to B-3 General Business District. Petitioner: **Lamar Advertising, Inc.** The Advisory Board of Zoning Appeals by a vote of four (4) in favor and 0 opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 23 March 2011. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 27 April 2011. (90 days ends 26 June 2011.).

*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and grant the requested use variance or it may **reject (over rule) the recommendation** and deny the use variance.*

Councilor Kuiper moved and Councilor Vassar seconded the acceptance of the ABZA recommendation and to grant the use variance as petitioned, according to terms of the Board of Zoning Appeals. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance was granted.

3. **Plan Commission Docket No. 2011-02:** Petitioner seeking a rezoning of property located at 10000 Indianapolis Boulevard, Highland from OS Open Space District to B-3 General Business District. Petitioner: Lamar Advertising, Inc. The matter is now certified by the Municipal Plan Commission with a NO ACTION recommendation, by a vote of four (4) in favor, one (1) abstention and no opposed. The matter was considered at the Plan Commission meeting of March 16, 2011. The Findings of Fact were memorialized and approved by the Plan Commission at its meeting of April 20, 2011. *Pursuant to IC 36-7-4-608(g), the Town Council may either adopt the recommendation and adopt the ordinance or reject the recommendation, and defeat the ordinance. If no action occurs within 90 days, the recommendation of the Plan Commission is adopted. 90 days ends on June 14, 2011.*

- (a) **Action on Ordinance No. 1492:** An Ordinance to Amend the Zoning Map as Requested by the Petitioner. Councilor Vassar moved to approve the petition for rezoning and to adopt Ordinance No. 1492. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance and the zoning map amendment was adopted.

**ORDINANCE No. 1492  
OF THE TOWN OF HIGHLAND**

**An Ordinance Amending the Zoning Map of the Comprehensive Zoning Ordinance Passed by the Town Council of the Town of Highland, Lake County, Indiana, on the 22<sup>nd</sup> of November, 1999, to be Effective on the 1<sup>st</sup> day of July, 2000, Reclassifying an Area in the Town of Highland, Lake County Indiana from OS Open Space District to B-3 General Business District.**

**WHEREAS**, The Town Council of the Town of Highland, Indiana, did on the 22<sup>nd</sup> day of November, 1999, pass a certain zoning ordinance which is now in full force and effect, and which is known as Ordinance Nos. 1126 as amended by 1127.1126-A, together with all amendments thereof and supplements thereto; and

**WHEREAS**, The Petition and Application for said proposed amendment was transmitted to Highland Plan Commission by LAMAR OUTDOOR ADVERTISING, and a public hearing was held thereon according to said Ordinance Nos. 1126 as amended by 1127.1126-A, and said Commission recommendation was no action; and

**WHEREAS**, After due consideration and study, the Town Council of said Town does believe that said amendment will be advantageous to said Town and will insure the public health, safety, welfare and morals of the citizens thereof in the area affected,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana.

**Section 1.** That the following described property situated in the Town of Highland, Lake County, Indiana, which is presently designated as being OS Open Space District is hereby rezoned to B-3 Business District, which property is more particularly described as follows:

**LEGAL DESCRIPTION:**

PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2<sup>ND</sup> PRINCIPAL MERIDIAN DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 41; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID HIGHWAY NO. 41 A DISTANCE OF 451.9 FEET; TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 60.21 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS PARALLEL WITH AND 60.0 FEET WESTERLY, MEASURED AT RIGHT ANGLES, OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 41, A DISTANCE OF 407.40 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH AND 60.0 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES, OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD A DISTANCE OF 160.44 FEET; THENCE NORTH A DISTANCE OF 63.29 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD; THENCE SOUTHWESTERLY ALONG SAID RAILROAD RIGHT-OF-WAY LINE A DISTANCE OF 220.0 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, CONTAINING 0.85380 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT OF INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL AS GRANTED IN DOCUMENT NO. 596147, RECORDED IN BOOK 565, PAGES 182 AND 183 IN LAKE COUNTY, INDIANA. COMMENCING AT A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2<sup>ND</sup> PRINCIPAL MERIDIAN, WHICH IS 88.277 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2<sup>ND</sup> PRINCIPAL MERIDIAN, A DISTANCE OF 15.0 FEET; THENCE SOUTH

PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2<sup>ND</sup> PRINCIPAL MERIDIAN DESCRIBED AS BEGINNING AT THE INTERSECTION OF A LINE WHICH IS 60 FEET, MEASURED AT RIGHT ANGLES, SOUTHWESTERLY OF AND PARALLEL WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD AND A LINE WHICH IS 60 FEET, MEASURED AT RIGHT ANGLES, WESTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 41; THENCE SOUTHEASTERLY ALONG SAID LINE PARALLEL WITH THE WESTERLY LINE OF U.S. HIGHWAY NO. 41 A DISTANCE OF 195.50 FEET; THENCE WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 168.58 FEET; THENCE NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 245.85 FEET TO A POINT WHICH IS 60 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES OF THE SOUTHWESTERLY LINE OF THE GRAND TRUNK RAILROAD; THENCE SOUTHEASTERLY ALONG SAID LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF THE GRAND TRUNK RAILROAD A DISTANCE OF 160.44 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, CONTAINING .080618 ACRES MORE OR LESS

More commonly known as 10000 Indianapolis Boulevard, Highland, Indiana (Highland Water Tank).

**Section 2.** That the Building Commissioner is directed to cause the Town Engineer to make the appropriate map change and that said Ordinance Nos. 1126 as amended by 1127.1126-A be, and the same is hereby amended accordingly;

**Section 3.** That an emergency exists for the immediate taking effect of this amendment, and the same shall be in full force and effect from and after its passage.

*Certificate of the Municipal Plan Commission*

It is hereby certified that the foregoing proposed zoning amendment was considered at a regular or special meeting by the Highland Municipal Plan Commission, having encountered a vote of 4 in favor, 1 abstention and 0 opposed, and was duly forwarded with **a no action recommendation** to the Town Council of Highland by the Highland Municipal Plan Commission, on the 16<sup>th</sup> day of March 2011.

**TOWN OF HIGHLAND  
MUNICIPAL PLAN COMMISSION**

By: \_\_\_\_\_  
Dan Grimmer, Chairman

Attest:

\_\_\_\_\_  
Thomas Vander Woude, Secretary

**Action by Legislative Body**

**Duly Ordained (Adopted/ Rejected)** pursuant to the provisions of IC 36-5-2-9.8 (b)(1), the recommendation of the Plan Commission is noted and the Ordinance is hereby **(adopted/defeated)** by the Town Council of the Town of Highland, Lake County, Indiana, this 11<sup>th</sup> day of April 2011, having experienced a vote of 4 in favor and 0 opposed in support of the **(adoption/defeat)** herein described.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

\_\_\_\_\_  
Brian J. Novak, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**Communications:**

1. A letter from Ms. Judith Cook, 2714 Clough Avenue, Highland, was read aloud seeking a waiver and relief from the \$10 late charge for animal licenses acquired after March 1, owing to a hardship.

Councilor Herak moved and Councilor Kuiper seconded that a one-time waiver for late charges associated with animal licensing be waived for Ms. Cook. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The one-time waiver was granted.

**Staff Reports:** The Council received the following reports as information for the record:

**• Building & Inspection Report for March 2011**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	0	0	0	\$0.00	\$0.00
Additions or					
Remodeling:					
Signs:	1	0	1	\$1,500.00	\$265.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	54	54	0	\$254,185.00	\$5,964.75
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	3	3	0	\$10,342.00	\$512.00
Fences	3	3	0	\$3,625.00	\$230.00
Swimming pools:	1	1	0		\$73.00
Drain Tile	4	4	0	\$18,436.00	\$479.00
/Waterproofing					
Misc.	2	2	0	\$139,238.00	\$1,790.50
<b>Total:</b>	<b>68</b>	<b>67</b>	<b>1</b>	<b>\$427,326.00</b>	<b>\$9,314.75</b>
<b>Electrical</b>	<b>12</b>	<b>11</b>	<b>1</b>		<b>\$1,186.50</b>
<b>Permits</b>					
<b>Mechanical</b>	<b>4</b>	<b>3</b>	<b>1</b>		<b>\$349.00</b>
<b>Permits</b>					
<b>Plumbing</b>	<b>11</b>	<b>11</b>	<b>0</b>		<b>\$1,134.00</b>
<b>Permits</b>					
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>

Sewer/Storm Taps	1	1	0	\$560.00
Total Plumbing Permits:	12	12	0	\$1,694.00

**March Code Enforcement:**

Warnings: 127  
Citations: 6

**March Inspections:**

Building: 27      Electrical: 20      Plumbing: 18      Electrical Exams: 2

**• Fire Department Report for March 2011**

	Month	Y.T.D.
General Alarms	9	28
Car Fires	0	4
Still Alarms	4	11
Paid still alarms	2	
Total:	15	

**• Workplace Safety Report for March 2011**

There was one incident in March. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	0	25	3
Fire	0	0	2	0	0	0	0
Police	1	2	9	0	0	39	23
Street	0	0	1	0	0	0	0
Water & Sewer	0	0	1	0	77	88	0
Maint.	0	0	1	0	0	68	0
Other	0	1	2	0	0	0	0
<b>TOTALS</b>	1	3	18	0	77	220	26

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**General Orders and Unfinished Business:**

- Works Board Order No. 2011-12:** An Order Approving and Authorizing the Clerk-Treasurer to pay the final two principal and interest installments remaining on the General Revenue Note of 2008, to produce savings from early payoff. (The note was issued originally to finance the purchase of property at 3319 Ridge Road.)

Councilor Herak moved the passage and adoption of Works Board Order No. 2011-12. Councilor Kuper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Works Board Order was approved.

**Town of Highland  
Board of Works  
Order of the Works Board 2011-12**

**AN ORDER APPROVING AND AUTHORIZING THE CLERK-TREASURER TO PAY THE FINAL TWO PRINCIPAL AND INTEREST INSTALLMENTS REMAINING ON THE GENERAL REVENUE NOTE OF 2008, TO PRODUCE SAVINGS FROM EARLY PAYOFF.**

**Whereas,** A town is authorized under IC 5-14, IC 36-5-2-11 and IC 36-5-2-12 to make loans of money for not more than five (5) years and issue notes for the purpose of procuring money to be used in the exercise of the powers of the town;

**Whereas**, The Highland Town Council, pursuant to the previously described authority, passed and adopted Ordinance No. 1401, which authorized the issuance of General Revenue Notes of 2008, issued to finance the purchase of property and house at 3319 Ridge Road, Highland; and

**Whereas**, The Fire Chief has identified two fire trucks he is desirous of acquiring;

**Whereas**, The Clerk-Treasurer has recommended that in order to achieve savings and make resources available for the acquisition of the fire trucks should the Town Council so elect, to proceed to institute early payment and retirement of the balance due on the General Revenue Note of 2008;

**Whereas**, Having paid the 2011 principal installment, the Clerk-Treasurer now requests that he be authorized to pay in a single lump sum the final two remaining principal installments, originally due in 2012 and 2013, plus any interest due, reduced to account for early pay off, and thereby satisfy, conclude and retire the General Revenue Notes of 2008; and

**Whereas**, The requested lump sum payment requires the approval of the Town Council, pursuant to §31.18(C) of the Highland Municipal Code, since the requested final payment represents a purchase that is in excess of ten thousand dollars (\$10,000);

**Whereas**, The payment in a single lump sum the final two principal installments, originally due in 2012 and 2013, plus any interest will be supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund and the Highland Building Acquisition Project Fund**; and

**Whereas**, The Town Council now desires to approve and authorize the Clerk-Treasurer to pay in a single lump sum the final two remaining principal installments, originally due in 2012 and 2013, plus any interest due, reduced to account for early pay off, and thereby satisfy, conclude and retire the General Revenue Notes of 2008,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby authorizes and directs the Clerk-Treasurer to pay in a single lump sum the final two remaining principal installments, originally due in 2012 and 2013, plus any interest due, reduced to account for early pay off, and thereby satisfy, conclude and retire the General Revenue Notes of 2008;

**Section 2.** That the final lump sum payment shall be comprised of the sum of the remaining principal balance of \$56,800 *plus the properly calculated interest*, if required, and shall be paid to **the holder or holders of the General Revenue Notes of 2008** according to the terms in the sale agreement, *provided there is no prepayment penalty*;

**Section 3.** That the final lump sum payment shall be paid from the proper appropriation in the **Municipal Cumulative Capital Development Fund** and the **Highland Building Acquisition Project Fund** and that once all resources on deposit to the credit of the Highland Building Acquisition Project Fund are fully expended, the Highland Building Acquisition Project Fund be abolished and any unobligated, unexpended appropriations be reduced, following the proper external audit;

**Be it So Ordered.**

**DULY, PASSED, ADOPTED and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11<sup>th</sup> day of April 2011 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Works Board Order No. 2011-13:** An Order of the Works Board to Authorize the the Purchase by Capital Lease Financing of two (2) ALF Mid Engine Fire Pumper Trucks. Councilor Kuiper moved and Councilor Vassar seconded the passage and adoption of the Works Board Order No. 2011-13. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2011-13**

**AN ORDER APPROVING AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A CAPITAL LEASE-PURCHASE AGREEMENT WITH FIRST MIDWEST BANK FOR THE ACQUISITION OF TWO ALF MID ENGINE PUMPERS, PURSUANT TO IC 5-22 ET SEQ.**

**Whereas,** The Town of Highland Fire Department, as part of its public duties, has responsibility for fire suppression, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

**Whereas,** The Fire Chief, pursuant to §31.19(D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

**Whereas,** The Purchasing Agent, pursuant to §31.20(I)(6) of the Highland Municipal Code and IC 5-22-10-5, did not solicit bids or proposals in support of the acquisition of two mid engine pumper trucks, offered for sale by American LaFrance Company, because once he learned of the availability and the price, he believed that this particular purchase constitutes a "special purchase" owing to the fact there exists a unique opportunity to obtain these vehicles at a substantial savings to the governmental body;

**Whereas,** The Purchasing Agent, recommends that the two American LaFrance mid Engine Pumper Trucks be purchased at the total price of five hundred thousand dollars (\$500,000);

**Whereas,** The Clerk-Treasurer, informed about the unique opportunity to purchase the trucks, solicited capital lease purchase proposals from financial institutions known to offer such services, and received the following responses as specified:

<b>Responder:</b>	<b>Interest Rate</b>	<b>Term</b>
First Midwest Bank	3.95%	10 years
Highland, Indiana	3.85%	8 years
Public Finance.com	4.08%	10 years
Franklin, Indiana	3.98%	8 years
First Financial Bank	declined to respond	
Highland, Indiana		
Community Leasing Partners	4.35%	7 years
Manhattan, Kansas	3.85%	5 years

**Whereas,** The Fire Chief has identified American LaFrance, to be a desirable source vendor for the purchase of two (2) fire trucks at a unit price of \$250,000.00 each for a total of \$500,000.00, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

**Whereas,** The Clerk-Treasurer, owing to the useful life of the vehicles and the likely size of the annual payments, has determined and recommended that the Fire Chief be authorized to acquire the two (2) fire trucks by Lease-Purchase, with **First Midwest**, at a fixed rate of 3.95% for lease term of ten (10) years, with **First Midwest** acquiring those vehicles from **American LaFrance**; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(5) of the Highland Municipal Code serves as purchasing agency for the Fire Department;

**Whereas,** The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) and § 31.19(B)(1)(b) of the Highland Municipal Code, the purchasing agent requires the express approval of the purchasing agency to execute the purchase;

**Whereas,** The purchase will be supported by a budgeted account in the Municipal Cumulative Capital Development Fund and there is sufficient appropriation in order to support the purchase; and

**Whereas,** The Town Council now desires to approve and authorize the Fire Chief to enter into a lease purchase agreement pursuant to the terms stated herein,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby finds and determines that the acquisition of two (2) mid engine pumper trucks, offered for sale by American LaFrance Company, LLC, 1090 Newton Way, Summerville, SC 29483, qualifies as a "special purchase" because there exists a unique opportunity to obtain these vehicles at a substantial savings to the governmental body, all pursuant to §31.20(I)(6) of the Highland Municipal Code and IC 5-22-10-5;

**Section 2.** That the Fire Chief is hereby directed and authorized to enter into an agreement to lease-to-purchase two (2) mid engine pumper trucks, with First Midwest Bank in the annual lease-rental amount set forth in the lease agreement for a term of ten (10) years, for the total amount of five hundred thousand dollars and no cents plus interest (\$500,000.00 plus interest), with First Midwest acquiring the trucks from American LaFrance Company, LLC, 1090 Newton Way, Summerville, SC 29483;

**Section 3.** That the Town Council acting as the works board, hereby further finds and determined that the terms of the capital-lease with **First Midwest** are reasonable and fair;

**Section 4.** That the Fire Chief is authorized and directed to execute the lease purchase agreement, as attested thereto by the Clerk-Treasurer and any additional documents in order to implement this lease purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11<sup>th</sup> day of April 2011 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. Ratify, Authorize and Instruct the Town Council President to consent to the selection of Gerald Scheub, Lake County Commissioner to be the appointee from Lake County on the Work Force Innovation Board, as requested by Linda Wolanshansky, CEO/President of Center of Work Force Innovations. Councilor Herak moved and Councilor Vassar seconded to ratify, authorize and instruction the Town Council President to consent to the selection of the Lake County Representative to the Work Force Innovation Board as indicated. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The action was ratified and approved.
4. **Proposed Enactment No. 2011-12:** Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance, and suspend Section 10 (e) (3) and (4) of the Wage and Salary Ordinance. *Commander R. Potesta worked in March 2011 "overtime" in uniform patrol. There being no authorized rate already adopted for permitting payment at the rate of 1.5 times the calculated hourly rate of a Commander, this enactment is necessary. If adopted, will provide for hourly rate of \$44.13 and payment of \$353.04.*

Councilor Vassar introduced and moved the consideration at the same meeting of introduction of Enactment No. 2011-12. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of introduction.

Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Enactment No. 2011-12. Councilor Vassar seconded. Upon a roll call vote, a two thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of introduction.

**Town of Highland  
ENACTMENT NO. 2011-12**

**AN ENACTMENT TO APPROVE OVERTIME PAYMENTS FOR EXEMPT SALARIED PERSONNEL AS SET FORTH IN SECTION 3 of the WAGE AND SALARY ORDINANCE, WAIVING SECTION 2.01 of the COMPENSATION and BENEFITS ORDINANCE, and SUSPENDING SECTION 10 (E) (3) and (4) OF SALARY ORDINANCE IN ORDER TO AUTHORIZE A PARTICULAR PAY RATE.**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and



**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, One Exempt Salaried Officer was authorized and directed to work a special detail, providing patrol by police car, unrelated to a special event, but rather undertaken as a particular law enforcement initiative;

**WHEREAS**, The current wage and salary ordinance provides for no particular rate for overtime worked for this, except as may be experienced under the terms of Section § 4.03.02, which reads: *"Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle;*

**WHEREAS**, Absent action by the Town Council, the current language governing such pay for such an assigned detail, when worked by exempt salaried persons, is silent, and there is no guidance about what schedule or work cycle exempt salaried employees are subject to, since overtime pay is not regularly payable to exempt salaried employees; and,

**WHEREAS**, The Metropolitan Police Chief has recommended that the Town Council authorize for payments to be made to the particular exempt salaried personnel, to be based upon actual hours worked on the detail at a rate of 1.5 times the exempt salaried officer's base pay plus longevity; and,

**WHEREAS**, The Town Council now desires to act to permit the pay as recommended,

**NOW, THEREFORE, BE IT HEREBY ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the provisions of Section 10 (e) (3) of the Wage and Salary Ordinance as amended, particularly reading *"Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignment will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant"*, shall be temporarily suspended and modified to permit an exempt salaried worker to **be paid at an overtime rate at 1.5 times the assigned officer's composite (Commander) rate for work NOT supported by a grant and for which a non-exempt officer would usually be assigned;**

**Section 2.** That the provisions of Section 10 (e) (4) of the Wage and Salary Ordinance as amended, particularly reading, *"No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect,"* shall **be temporarily suspended** and waived for the purpose of permitting R. Potesta, CID Commander, to be paid at the hourly rate of **\$44.13** for the eight (8) hours worked in uniform patrol duty in the month of March 2011, which is 1.5 times the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of Division Commander, a senior administrative position;

**Section 3.** That under the terms of Section § 04.03.01 of the Compensation and Benefits Ordinance, which provides that *"exempt salaried employees will not receive overtime pay or compensatory time off, unless specifically authorized by the Town Council..."* and Section § 2.01 which identifies the position of Commander in the Police Department as an Exempt position under the terms of the FLSA, *thereby not eligible for overtime payments*, the adoption of this enactment shall be approval of overtime pay for the exempt salaried employee herein identified;

**Section 4.** That the forgoing action is limited to the instance herein described and the provisions of Section 10 of the Wage and Salary Ordinance and Sections § 2.01 and § 4 of the Compensation and Benefits Ordinance otherwise remain in full force and effect;

**Section 5.** That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance and the date of its passage and adoption.

Introduced and Filed on the 11<sup>th</sup> day of April 2011. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 11th day of April 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**5. Resolution No. 2011-13:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Municipal

Cumulative Capital Development Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action Pursuant to IC 6-1.1-18-6.

Councilor Heak moved the passage and adoption of Resolution No. 2011-13. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2011-13**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the Municipal Cumulative Capital Development Fund;

**WHEREAS**, The Town Council has been advised that the transfer may involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND**

Reduce Account:	#410.02 Town Hall Rehabilitation	\$22,400.00
	Total 400 Series Reductions	\$22,400.00
Increase Account:	#300.05 Rev Note 2008 Principal	\$22,400.00
	Total 300 Series Increases	\$22,400.00
	Total of All Fund Decreases:	\$22,400.00
	Total of All Fund Increases:	\$22,400.00

**DULY RESOLVED and ADOPTED** this 11th Day of April 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

*6.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200 for work associated with Highland Grove Mall Special Security.*

Councilor Herak moved to authorize and approve the overtime payment for an exempt salaried employee as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The overtime payment was authorized and approved.

**Comments from the Town Council Members**  
**(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Not present as indicated.

- **Councilor Mark Herak:** *Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak reported that tBoard of Sanitary Commissioners would be meeting at its next study session to conduct a site tour and especially see the progress with the SCADA project.

Councilor Herak also expressed his prayers and affirming wishes to Councilor Zemen and his family as his Dad was rushed for emergency care.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison.*

Councilor Kuiper commended the Fire Department for a recent emergency response it conducted at Clough Avenue.

It was also reported that one of the elements of the Opticom Equipment and installation would be bid on Wednesday, April 13 at 9:00 a.m. CDT.

- **Council President Brian Novak:** • *Town Executive • Police Pension Board of Trustees Chair • Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

The Town Council President noted that Saturday, April 16 was the annual Park Pride Day. The Council President recognized the Redevelopment Director who briefed the Town Council on the reconfiguration of part of the existing Downtown Redevelopment Area into the new North Indianapolis Boulevard Redevelopment Area. She further reported that the reconfiguration would also occasion new Redevelopment Plan for the newly formed Area, styled as Redevelopment Plan II. It was further reported that the new plan would conform to the existing Master Plan of the Town.

**COMMENTS FROM the PUBLIC or VISITORS**

1. Paula Lancaster, 8149 Grace Place, Highland, introduced herself as affiliated with "I Wanna Go Home Animal Rescue." She represented that the she and the group would be willing to recruit and provide volunteers to assist with care of impounded animals, the holding pens and to perhaps assist with adoption of the unclaimed animals.

It was noted that that the Town was in discussions with the Calumet Humane Society to provide services as described. However, the Town Council President encouraged the Police Department to follow-up with Ms. Lancaster and see if the volunteers could be enlisted in the transition and perhaps after.

2. Ted Oberc, 2704 Lincoln Street, Highland, expressed appreciation to the Public Works Department and the Town for following up with his concerned about certain road issues at Clough and Second Street and the others.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending vendor's pay docket, covering the period March 29, 2011 through to April 11, 2011. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$366,330.03; Motor Vehicle Highway and Street (MVH) Fund, \$22,838.00; Local Road and Street (LRS) Fund, \$5,900.00; Law Enforcement Cont. Education and Supply Fund, \$1,470.68; Flexible Spending Account Agency Fund, \$1,643.07; Insurance Premium Fund, \$130,672.68; Gasoline Fund, \$31,469.00; Information and Communications Technology Fund, \$6,315.83; Civil Donation Fund, \$94.115; Traffic and Law Violations Agency Fund, \$8,005.50; Sexual Predator Grant Fund, \$4,400.00; Special Public Safety Fund, \$15,900.00; Payroll Fund, \$3.38; Total: \$595,042.32.**

**Adjournment.** Councilor Kuiper moved that the regular meeting of the Town Council be adjourned. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The regular plenary meeting of **Monday, April 11, 2011** was adjourned at 7:51 o'clock p.m. There was no study session following the plenary business meeting.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer